

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT HAIRSTON,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 1:20-cv-01226-AWI-JLT (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING MOTION  
TO PROCEED IN FORMA PAUPERIS, AND  
DISMISSING ACTION WITHOUT  
PREJUDICE

(Docs. 2, 9)

Plaintiff Robert Hairston is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 2, 2020, the assigned magistrate judge issued findings and recommendations, recommending that Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) be denied because Plaintiff has five "strikes" under 28 U.S.C. § 1915(g) and fails to show that he is in imminent danger of serious physical injury. (Doc. 9.) The magistrate judge provided Plaintiff 14 days to file objections to the findings and recommendations. (*Id.* at 3.) Plaintiff has not filed any objections and the time to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

1 Accordingly, the Court ORDERS:

- 2 1. The findings and recommendations issued on September 2, 2020 (Doc. 9) are  
3 ADOPTED in full;  
4 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is DENIED;  
5 3. This action is DISMISSED without prejudice to refiling upon prepayment of the filing  
6 fee; and,  
7 4. The Clerk of the Court is directed to close this case.

8 IT IS SO ORDERED.

9 Dated: October 8, 2020

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11 SENIOR DISTRICT JUDGE  
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